

I urge my colleagues to cosponsor this important piece of legislation and to demand its immediate consideration in the House. I also wish to express my gratitude to the bill's author, Congressman JOHN CONYERS, as well as to Congresswoman LYNN WOOLSEY, for their leadership on this important issue. I am confident that we will be able to work in a bipartisan fashion to pass H.R. 1343 and bring an end to hate-based crimes in the United States.

TRIBUTE TO HAZEL GARDNER

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to congratulate Hazel Gardner of Eckley, Colorado. Mrs. Gardner was recently recognized for her fifty years of volunteer work for 4-H at a banquet held in honor of local 4-H leaders.

Mrs. Gardner is a life-long resident of the eastern plains of Colorado and has been active with 4-H since she was nine years of age. In addition to raising her three children she has volunteered with 4-H groups and with state-level governing boards. Fifty years later, she continues to work with children in the program to which she has devoted much of her life.

4-H is a nationally recognized program that boasts the honor of having a chapter in every county in the nation. Over 6.8 million youth participated in 4-H in 2000 with the addition of 610,000 adult volunteers. The 4-H mission is "building a world in which youth and adults learn, grow, and work together as catalysts for positive change."

It is an honor for the state of Colorado to have such an esteemed woman who has dedicated so much of her life to improving the lives of community children. On behalf of the citizens of Colorado, I ask the House to join me in extending congratulations to Mrs. Hazel Gardner.

THE NATIONAL VACCINE INJURY COMPENSATION PROGRAM IM- PROVEMENT ACT OF 2002

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. BURTON of Indiana. Mr. Speaker, I'm proud to be introducing legislation today to help families that are trying to cope with children who have suffered vaccine-related injuries.

Vaccine injuries may be very rare, but when they do occur, they're devastating. Fifteen years ago, we created the National Vaccine Injury Compensation Program. It was supposed to be generous. It was supposed to be non-adversarial. It was supposed to compensate families without tying them up in court for years.

Too many times, this program hasn't worked the way we intended. Last fall, we held two hearings. We heard testimony from parents of injured children. We heard testimony from husbands of injured wives. They told us about

long delays. They told us about overly adversarial tactics. They told us about having to fight for years over injuries that are widely acknowledged to be related to vaccines. We've also heard from families who learned about the program too late to file claims. There is a bipartisan consensus that reforms are needed.

Not every family has faced these kinds of problems. Many families have worked their way through the system without facing the kinds of ordeals we've heard about. However, too many families have faced too many problems for us to sit by and do nothing.

I want to thank HENRY WAXMAN, the Ranking Minority Member of the Government Reform Committee for working with me to put this bill together. I want to thank DAVE WELDON, one of our subcommittee chairmen, for working with us as well. I also want to thank our other original cosponsors, JERROLD NADLER, CONSTANCE MORELLA, BENJAMIN GILMAN, STEPHEN HORN, MARTIN FROST, JOHN DUNCAN, DENNIS KUCINICH, JO ANN DAVIS and TOM DAVIS.

This bill doesn't do everything we'd like to do to fix this program. It's not going to eliminate some of the problems families are encountering. However, I think it's a good first step. I think it's a realistic assessment of what we can accomplish this year. This bill does some very worthwhile things: It changes the calculation for future lost earnings for injured children to make it more generous.

It increases the level of compensation a family receives after a vaccine-related death from \$250,000 to \$300,000. It allows families of vaccine-injured children to be compensated for the costs of family counseling and creating and maintaining a guardianship to administer the award. It allows for the payment of interim attorneys fees and costs while a petition is being adjudicated. It extends the statute of limitations for seeking compensation to six years instead of three. It provides a one-time, two-year period for families to file a petition if they were previously excluded from doing so because they missed the statute of limitations.

I want to briefly mention a couple of the stories we heard during our hearings so my colleagues will have a better understanding of the kinds of problems families are facing.

The first story involves Janet Zuhlke and her daughter Rachel of Florida. Rachel received her pre-kindergarten vaccinations in 1990. Within 6 hours, she had a severe reaction. Within three weeks, she was in critical condition and had to be medi-vac'd to a hospital. Today, Rachel is a mentally retarded teenager. She suffers from periodic bouts of blindness and severe neurological breakdowns that leave her confined to a wheelchair.

Rachel's condition is known as an encephalopathy. Medical experts agree that this is one of the most common injuries caused by vaccines. The connection is so well-established, it's written into the table of vaccine injuries in the law. Despite this, the government attorneys fought for nine years to try to prove a questionable theory that Rachel's injury was caused by a strep infection. For nine years, Janet Zuhlke has had to pay all of Rachel's medical bills without any help.

Last year, she finally won her case. But the process drags on. It could still be another year before the Zuhls receive a penny.

Next, I want to talk about the case of Lori Barton and her son Dustin of Arizona. Dustin received a DTP shot in 1989. He began to

have subtle seizures within hours. Eventually, he was diagnosed with residual seizure disorder and he became legally blind.

The Barton's filed for compensation, but the government lawyer assigned to the case set out to prove that Dustin's seizures didn't start as soon after the shot as Lori claimed. At their first hearing in 1993, that lawyer's tactics were so abusive that she was reprimanded by the special master overseeing the case. Lori Barton testified that she felt like she was being treated like a criminal. It took them four years to get to the next hearing, in August 1997. Three months later, Dustin suffered a massive seizure and died.

In 1999, eight years after the Bartons filed their petition, they were finally awarded compensation. But there was one final hitch. The government threatened to appeal the decision unless the Barton's agreed not to have it published so it couldn't serve as a precedent for other families. That's wrong, and we shouldn't accept it.

As I said before, every family that enters the program isn't treated this way. Not every government lawyer is abusive. There are many people who work in this program who sincerely want to help these families. But these aren't isolated incidents. We have real problems here, and Congress needs to address them. For many of these families, the deck is stacked against them, and that's not right.

I want to thank my colleagues who've worked with me to put together this legislation—the National Vaccine Injury Compensation Improvement Act of 2002. It has strong bipartisan support. There are other problems that go beyond the scope of this bill, and we need to address those. But this is a good first step. I hope all of my colleagues will support it.

IN HONOR OF CHRISTOPHER EL- DERS, RECIPIENT OF A 2002 RHODES SCHOLARSHIP

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. HILLIARD. Mr. Speaker, I rise today to honor and pay tribute to Christopher Elders, a 2002 Rhodes Scholar. On Tuesday, February 12, 2002, Mr. Elders was acknowledged for his outstanding achievement at a dinner reception hosted by U.S. Congressman John Lewis.

A political science major at Morehouse College, Christopher Elders is the only African-American among the 32 students in the United States named to the 2002 Class of Rhodes Scholars. Currently, he serves as the Deputy Executive Director of the Morehouse College Student Government Association (SGA). In this role, he heads the committee responsible for redrafting and modifying the college's code of ethics. Prior to his stint as Deputy Executive Director, Mr. Elders served as an SGA Senator from 1998 until 2000.

While at Morehouse, Elders has done a remarkable job of balancing his academic achievements with his civic responsibilities. He has worked tirelessly as a tutor and mentor to several students enrolled in Atlanta inner-city public schools. In addition, he has served as a volunteer with AID Atlanta, a private agency